



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/563,482

01/05/2006

Thomas Dahl

AP076-05

8292

29689

7590

09/23/2008

DAVID A. GUERRA
INTERNATIONAL PATENT GROUP, LLC
2025 17TH AVENUE N.W.
CALGARY, AB T2M 0S7
CANADA

EXAMINER

LAVINDER, JACK W

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,482	Applicant(s) DAHL, THOMAS	
	Examiner Jack W. Lavinder	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17, 19-21, 23, 24, 28, 29 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19-21, 23, 24, 28, 29 and 35 is/are rejected.
- 7) ☒ Claim(s) 36-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

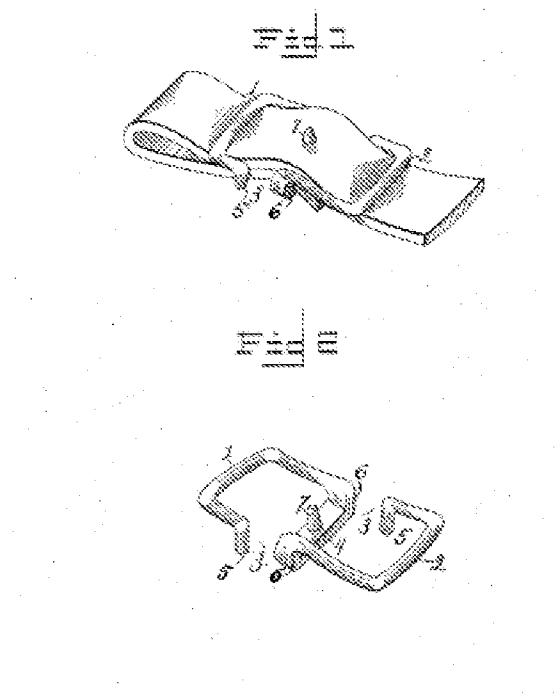
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

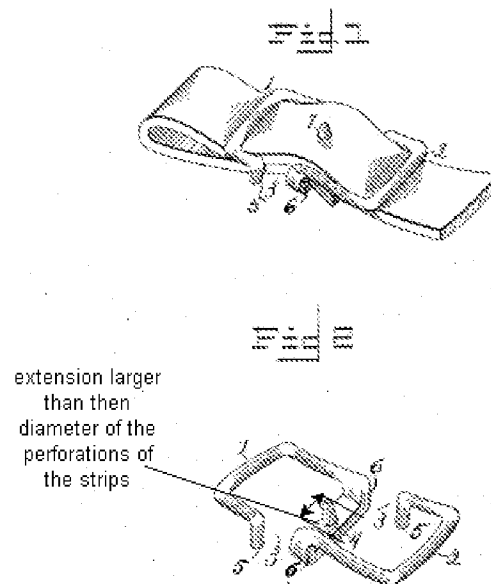
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 17, 19-21, 23, 24 and 35 have been rejected under 35 U.S.C. 102(b) as being anticipated by Moores, 489656. Moores discloses a pin (7) with a stem and a head and a hook (2) attached to the stem, wherein the pin is engageable with the perforations in the strips at the same time the hook is removably encompassing the strips.

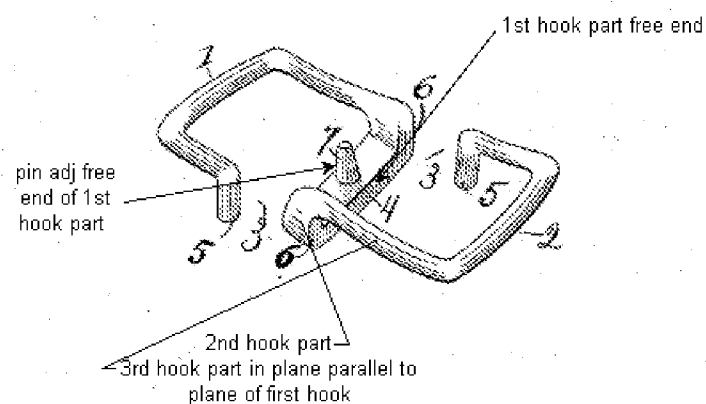


Art Unit: 3677

Regarding claim 17, Moores discloses an extension that extends from the pin and then attaches to the first hook part.



Regarding claims 19 and 35, Moores disclose the claimed invention as shown in the annotated drawing.



Claim Rejections - 35 USC § 103

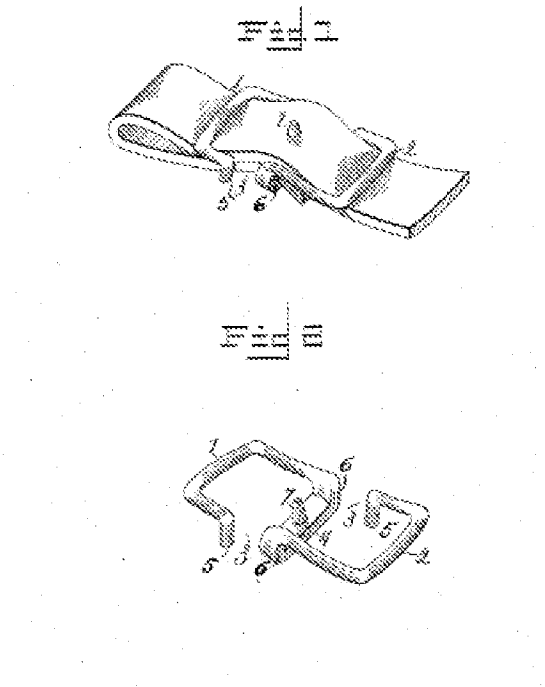
Art Unit: 3677

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 28 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Moores, 489656. Moores discloses the stem formed with the hook or welded to the hook (6). The claim requires that the hook be attached to the pin with a screw joint. It would have been obvious to use a screw joint to attach the hook to the pin as an alternate design of making the connection, because it would predictably yield the same results of Moores integrated buckle.

Claims 16 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Moores, 489656. Moores discloses a pin (7) with a stem and a head and a hook (2) attached to the stem, wherein the pin is engageable with the perforations in the strips at the same time the hook is removably encompassing the strips.



Claims 16 and 29 require that the head have a diameter larger than the diameter of the perforations in the strips. It is old and well known to make the diameter of pin head for attaching two strips together to be larger than the apertures in the strips. The larger diameter prevents the pin head from inadvertently disconnecting from the strips perforations. Therefore, it would have been obvious to make Moores's pin head be larger than the perforations in the strips.

Allowable Subject Matter

Claims 36-38 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 6/11/2008 have been fully considered but they are not persuasive. The applicant argues that Moores stem teaches away from the claimed head and stem limitation. Claim 15 states that "one pin having a stem and a head, said head positionable at the end of said stem". Moores discloses this exact structure for a pin having a stem and a head. Not sure how the exact structure disclosed in Moores teaches away from the claimed stem and head—he structures are identical. The applicant also argues that Moores head is not positionable at the end of the stem. Moores discloses a head positioned at the end of the stem. Albeit the head is fixed positionable at the end of the stem, the claim doesn't preclude this embodiment. "positionable" is a very broad term and encompasses a head fixedly positioned at the end of a stem. If the applicant wishes to limit the term to a head that is removably positionable on the end of the stem, a definition of the term should be added to the specification. Even if applicant added the specific definition to the specification, the claim would still be rejectable under 103 using Moores alone or in combination with another reference--removable pins are old and well known.

The applicant argues the intended use of the claimed invention is not capable of occurring with the Moores's buckle. Clearly, Moores's buckle is capable of all the claimed intended use limitations outlined in the claims.

The applicant argues that the 103 rejection over Moores is not proper. The applicant states that the modification would change the principle operation of the Moores buckle. Making the pin separable from the buckle would not modify the function

Art Unit: 3677

of Moores buckle. The Moores modified buckle would function in the exactly same way as before the modification.

The applicant argues that making the head of Moores pin larger would not be obvious and would change the principle operation of the buckle. Making the head diameter slightly larger than the aperture diameter in the belt would be obvious and would slightly change the operation, i.e., would improve the retention of the strap on the buckle as would be expected (see KSR vs. Teleflex). Making the head slightly larger than the aperture diameter would create the need for a slightly larger force to withdraw the pin from the aperture in the strap, i.e., improving the retention of the strap on the buckle.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3677

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jack W Lavinder/
Primary Examiner, Art Unit 3677
9/21/2008